

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AQUAPAW LLC,

Plaintiff,

v.

FLOPET, *et al.*,

Defendants.

Civil Action No. 21-cv-988

(Judge Wiegand)

**MEMORANDUM IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT AND  
PERMANENT INJUNCTION**

Plaintiff submits this Memorandum in Support of their Motion for Default Judgment pursuant to Fed. R. Civ. P. 55 (b)(2) seeking entry of Judgment against the defaulting Defendants (“Defendants”) for patent infringement on Count I of the Complaint.

**I. INTRODUCTION**

Plaintiff is before this Court seeking relief from the tireless efforts of the online copycats trying to destroy Plaintiff’s small business. Plaintiff sued patent infringers on AliExpress, Amazon, eBay, and wish. The remaining Defendants in this lawsuit have all defaulted and failed to cooperate in discovery. It remains for the Court to consider the unrefuted facts and the supporting law and render a judgment consistent with other Court’s awards against e-commerce scofflaws.

The Defendants have been properly served pursuant to Fed. R. Civ. P. 4 and are aware of this action, but nevertheless chose not to respond. The Clerk has entered default. The Plaintiff also served discovery upon Defendants, including Requests for Admission, and no response to

the discovery was received. Plaintiff filed a Motion with this Court under Fed. R. Civ. P. 55(b)(2) for a default judgment against Defendants for patent infringement (Count I) after Defendants established internet stores to offer to sell, and sold, knock-off and infringing versions of Plaintiff's product, Hand Attachable Animal Washing Apparatus<sup>1</sup> protected by U. S. Patent No. 10,531,728 (the '728 patent).

There are no issues of fact remaining in this suit, and a default judgment should be entered against Defendants providing for permanent injunctive relief, a damage award of \$1,800,000.00 against each individual Defendant, plus interest, a post-judgment asset restraining order, and an order authorizing the release and transfer of Defendants' assets, in whole or in part, awarded to Plaintiff. Chief Judge Hornak has previously entered a default judgment against each defendant using the same methodology now used in the present cases, in *See See Doggie Dental, Inc. v AVANTDIGITAL*, No. 21-cv-271 (W.D. Pa., February 23, 2022)(Hornak, CJ); *Doggie Dental, Inc. v CDOFFICE*, No. 21-cv-565 (W.D. Pa., February 23, 2022)(Hornak, CJ); *Doggie Dental, Inc. v Ahui, et al.*, No. 19-cv-1627 (W.D. Pa., Sept. 27, 2021 (Hornak, CJ).

## II. ARGUMENT

### A. **This Court has Jurisdiction to Enter Default Judgment Against the Defendants**

This Court has jurisdiction to grant Plaintiff's motion and enter default judgment against Defendants because the Court has subject matter jurisdiction over this action as well as personal jurisdiction over the Defendants. This Court has subject matter jurisdiction over this action pursuant the Patent Act, 35 U.S.C. § 271, and The All Writs Act, 28 U.S.C. § 1651(a).

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<sup>1</sup> This device is protected by U.S. Patent No. 10,531,728 ("Plaintiff's Patent" or the '728 patent").

Personal jurisdiction may be established either by specific or general jurisdiction, but specific jurisdiction is appropriate in this case because of Defendants' contact with the forum. *See* 42 P. A. Cons. Stat. § 5322. The factors to consider when establishing specific jurisdiction are: "(1) the extent to which defendant 'purposefully avail[ed]' itself of the privilege of conducting activities in the State; (2) whether the Plaintiff's claims arise out of those activities directed at the State; and (3) whether the exercise of personal jurisdiction would be constitutionally 'reasonable.'" *See IMO Industries, Inc. v. Kiekert AG*, 155 F.3d 254, 259 (3rd Cir.1998). Defendants satisfy each of the factors to establish specific personal jurisdiction. Likewise, Venue is proper pursuant 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

First, Defaulting Defendants purposefully availed themselves of the privilege of conducting business in Pennsylvania and this Judicial District. Defendants purposefully targeted sales of Infringing Products to the Western District of Pennsylvania, offered to sell Infringing Products to Pennsylvania residents, and did in fact sell Infringing Products into Pennsylvania. *See Complaint*, ¶ 11 [ECF No. 2]. These actions are sufficient to establish jurisdiction over Defaulting Defendants. 42 Pa. Cons. Stat. § 5322 (a). Second, Plaintiff's claims arise directly from actions that occurred in this Judicial District. Plaintiff purchased Infringing Products to determine their authenticity and had the Infringing Products shipped to Pennsylvania. *See Fennel Declaration* [ECF No. 13]. These unauthorized and unlicensed sales of Infringing Products in this Judicial district establish this Court's jurisdiction over Defaulting Defendants. Lastly, this Court's exercise of specific personal jurisdiction over Defendants is "reasonable" under the constitution. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 292 (1980).

The record in this case does not suggest that the burden of litigation in this District is extraordinary. Defendants offered to ship and sell their Infringing Products to any part of the

United States. *See Complaint*, ¶ 11 [ECF No. 2]. Pennsylvania and this Court have a valid interest in the resolution of the grievances of its citizens and businesses, particularly when they potentially involve issues of [Pennsylvania] law. *See Square D Co. v. Scott Elec. Co.*, No. 06-459, 2008 WL 4462298, at \*12 (W.D. PA September 30, 2008). Plaintiff has a valid and substantial interest in having its legal rights recognized and vindicated. *Id.* Therefore, this Court's exercise of specific personal jurisdiction over Defendants is constitutionally reasonable.

### **B. Joinder of the Defendants is Appropriate**

Joinder of the defendants is proper when plaintiffs seek relief “jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence or series of transactions or occurrences” related to the sale of the “same accused product or process” and “any question of law or fact common to all defendants will arise in the action.” 35 U.S.C. § 299. Joinder is consistent with the strongly encouraged policy of “entertaining the broadest possible scope of action consistent with fairness to the parties.” *See United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724 (1966).

In a recent decision on joinder in an online counterfeiting case, the Northern District of Illinois found joinder was appropriate, stating:

According to the Merriam-Webster dictionary, “transaction” generally involves a “reciprocal[] affect” or “exchange,” whereas an “occurrence” is defined as something that simply “happens” or “appears.” Unlike a “transaction,” an “occurrence” is not necessarily the product of joint or coordinated action.

The internet frequently produces occurrences that can be described as cooperative but not transactional or intentionally coordinated. Individual actions which alone may have minimal impact on society or the economy can have a substantial impact through aggregation that is only possible through the internet. Individuals on the internet can openly reach billions of people with a single click of a mouse, while at the same time hiding their identities, frustrating law enforcement. As a result, an “occurrence” of mass harm easily can be inflicted even if there is no express “transactional” coordination among the attackers.

Rule 20’s inclusion of the term “occurrence” should allow plaintiffs to join in a single case the defendants who participate in such unlawful occurrences, despite the lack of a “transactional link.” The kind of harmful occurrences the internet enables — including mass foreign counterfeiting — were inconceivable when Rule 20 was drafted. But the Rule’s inclusion of the term “occurrence” suggests that joinder is appropriate in cases alleging harm that is not strictly “transactional.”

*Bose Corp. v. The Partnerships and Unincorporated Associations Identified on Schedule “A”*, No. 19-cv-7467 (N.D. Ill. Feb. 19, 2020) (Durkin, J.) at 10-11 [ECF No. 46]. For at least these reasons, the Defendants are properly joined in this case.

In the recent case of *Doggie Dental, Inc. v. CDOFFICE, et al*, No. 21-cv-271, Chief Judge Hornak previously ruled joinder of the Defendants was permissible because the Complaint sufficiently alleged the right to relief against the joined defendants arises "out of the same transaction, occurrence, or series of transactions or occurrences," and that are “questions of law or fact common to all the defendants.” [ECF No. 126]. For at least these reasons, the Defendants are properly joined in this case.

### **C. Plaintiff is Entitled to a Default Judgment Against Defendants**

#### **1. The Clerk Properly Entered Default as to Defendants**

The Clerk of this Court enters a default “[w]hen a party against whom judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise.” Fed. R. Civ. P. 55(a). The Clerk entered default against Defendants because, as the docket reflects, the time for filing a responsive pleading expired.

#### **2. Factual Allegations Establish Defaulting Defendants’ Liability**

By failing to appear and defend against the Complaint, Defaulting Defendants are deemed to have admitted every allegation therein, and the Court must only determine whether

Plaintiff's Complaint properly states a claim for relief. *See Hritz v. Woma Corp.*, 732 F.2d 1178, 1180 (3d Cir. 1984); *see also Pair Networks, Inc. v. Lim Cheng Soon*, 2013 WL 452565, \*1 (W.D. Pa., February 6, 2013). Plaintiff now moves this Court for a default judgment finding that Defaulting Defendants are liable on Plaintiff's Complaint.

“Section 271(a) of the Patent Act defines direct infringement as ‘whoever without authority makes, uses, offers to sell, or sells any patented invention, within the U.S. or imports into the U.S. any patented invention during the term of the patent therefor, infringes the patent. 35 U.S.C. § 271(a).’ *Grecia v. McDonald’s Corp.*, 2018 U.S. App. LEXIS 5903, at \*7-8 (Fed. Cir. Mar. 6, 2018).

In this case, Plaintiff is the exclusive licensee and lawful owner, respectively, of the Plaintiff's Patent. Plaintiff submitted extensive documentation showing that Defendants make, use, offer for sale, sell, and/or import in the United States for subsequent sale or use products that infringe directly at least claim 1 of the Plaintiff's Patent. *Fennell Dec.*, Composite Exhibit 1 [ECF No. 13]; *Nate Jelovich Declaration*, ¶ 26 – 28. To show infringement, Plaintiff submitted a detailed infringement claim chart for Plaintiff's Patent that set forth the text of the patent claim compared with images of the infringing products. Exhibits 2 - 5 to the Complaint [ECF No. 2]. Thus, Plaintiff has proven by uncontroverted evidence their patent infringement claims.

As to validity, “[e]ach issued patent carries with it a presumption of validity under 35 U.S.C. § 282.” *Tinnus Enters., LLC v. Telebrands Corp.*, 846 F.3d 1190, 1205 (Fed. Cir. 2017). “This presumption is sufficient to establish a likelihood of success on the validity issue, absent a challenge by the accused infringer.” *Id.* Here, there is no challenge by any of the accused infringers, thus validity is established by default as well.

The well-pled factual allegations of Plaintiff's Complaint [ECF No. 2], including specifically those in Paragraphs 42 - 48, properly allege the elements for each of the above claims. Moreover, the factual allegations in Plaintiff's *Complaint*, substantiated by the evidence submitted, conclusively establish the Defaulting Defendants' liability asserted in the *Complaint*.

In addition to the well pled factual allegations, admitted by default, and established by the evidence, Defendants have also made admissions by failing to respond to the *Requests for Admissions* served upon them. In addition to the well-pled factual allegations, admitted by default, and established by the evidence, Defendants have also made certain admissions by failing to respond to the *Requests for Admissions* served upon them. *See Malkin Dec.*<sup>2</sup> ¶ 5. These deemed admissions include the following:

Plaintiffs are the owner of U.S. Patent No. 10,531,728 ("the Plaintiff's Patent"), issued for "Hand Attachable Animal Washing Apparatus" and which covers Plaintiff's Product.

You were on notice of the '728 patent before you began manufacturing, offering for sale, selling, promoting, advertising, and otherwise distributing the Infringing Product.

You have intentionally infringed and continue to infringe at least one claim of the Plaintiff's Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271, by making, using, selling, importing and/or offering to sell Infringing Products

But for your infringement and/or counterfeiting of Plaintiffs' products, Plaintiff would have made each sale you made instead and at Plaintiffs' pre-infringement selling price.

At all times relevant hereto, there was consumer demand for the Plaintiff's Product.

At all times relevant hereto, Plaintiffs have the manufacturing and marketing capability to meet the consumer demand for the Plaintiff's Product.

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<sup>2</sup> Refers to *Declaration of Brian Samuel Malkin* submitted herewith.

Admit that there is no acceptable non-infringing substitute for the Plaintiff's Product.

Admit that you are selling the infringing product on multiple online platforms including the online platform identified in this lawsuit.

Admit that lost profits is the appropriate measure for Plaintiff's damage claims against you.

Your unfair competition has driven the market place of Plaintiff's genuine goods down.

At all times relevant hereto, there was consumer demand for the Plaintiff's

Accordingly, a Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure as to liability should be entered against the Defaulting Defendants.

### **3. The Damages are Established by the Evidence**

Defendants have also made certain admissions about damages by failing to respond to the *Requests for Admissions* served upon them. *See Malkin Dec.*, ¶ 5. These deemed admissions include the following:

Admit that each month you sold 15,000 units of the Infringing Product.

Admit that your profits from the sales of your infringing and/or counterfeit products totals more than \$300,000.00.

Accordingly, a Default Judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure considering the evidence on damages, as discussed below, should be entered against the Defaulting Defendants.

### **4. Plaintiff are Entitled to a Damage Award Under the Patent Act**

These lawsuits are for patent infringement damages. In each lawsuit, the Plaintiffs are seeking an award of \$1,800,000.00 against each Defendant for their intentional patent infringement, based upon the following facts and the law below. Importantly, using the same

methodology for calculating damages, the Court awarded individual judgments of \$2,128,500.00 against defendants in the prior case of *Doggie Dental v. Ahui*, No. 19-cv-1627 (W.D. Pa., September 27, 2021) (Hornak, CJ).

Returning to the current cases, the Plaintiff's Patent published on January 14, 2020 with substantially similar claims as when it finally issued, placing the Defendants on notice of the patent claims and making them liable for pre-issuance damages. 35 U.S.C. § 154 (d) (2). The evidence shows that each Defendant offered the Infringing Product at least one month before the Plaintiff filed its lawsuit; thereafter, the Court entered its order restraining the infringing listings ; by at least the two-month mark from the date the Defendants were offering the infringing product, all the Third-Party Service Providers confirmed that the listings were suspended and no longer offering Infringing Products.

Thus, as a matter of law, the Defendants intentionally infringed on Plaintiff's Patent for at least two (2) months. Defendants each admitted, by their failure to answer requests for admissions that they sold 15,000 infringing units each month depriving Plaintiff of at least \$300,000.00 per month of profit. Over 2 months, that amounts to \$600,000.00. When those lost profits are trebled for intentional infringement, also admitted by the Defendants, the total award is \$1,800,000.00 in damages. This methodology for calculating damages is identical to the one approved by Chief Judge Hornak in his final judgments for patent infringement in *Doggie Dental, Inc. v AVANTDIGITAL*, No. 21-cv-271 (W.D. Pa., February 23, 2022)(Hornak, CJ); *Doggie Dental, Inc. v CDOFFICE*, No. 21-cv-565 (W.D. Pa., February 23, 2022)(Hornak, CJ), and See *Doggie Dental v. Ahui*, No. 19-cv-1627 (W.D. Pa., September 27, 2021) (Hornak, CJ).

Proving lost profits damages first requires evidence that the infringer's activities directly led to the lost profits. "To recover lost profits damages, the patentee must show a reasonable

probability that, ‘but for’ the infringement, it would have made the sales that were made by the infringer.” *Rite-Hite Corp. v. Kelley Co.*, 56 F.3d 1538, 1542 (Fed. Cir. 1995). One way to show the reasonable probability occurred is by applying the “Panduit test: (1) demand for the patented product; (2) absence of acceptable non-infringing substitutes; (3) manufacturing and marketing capability to exploit the demand; and (4) the amount of the profit it would have made.” *Rite-Hite Corp. v. Kelley Co.*, 56 F.3d 1538, 1545 (Fed. Cir. 1995). Here, Plaintiff has offered their testimony by way of declaration plus the admissions of the Defendants in order to meet each of these elements.

In this case, Plaintiff has handily proven each of the elements required to recover lost profits through their patent, claims chart, testimony and the admissions of the Defendants. Defendants have not contested or put forth any evidence to contradict the Plaintiff’s damages case as to the infringement of their patent. This court has relied, in part, on admissions made though failure to answer in awarding damages against similar counterfeiting and infringing defendants in four prior cases. *See Doggie Dental, Inc. v AVANTDIGITAL*, No. 21-cv-271 (W.D. Pa., February 23, 2022)(Hornak, CJ); *Doggie Dental, Inc. v CDOFFICE*, No. 21-cv-565 (W.D. Pa., February 23, 2022)(Hornak, CJ); *Doggie Dental v. Anywill*, No. 19-cv-682 (W.D. Pa., August 14, 2020)(Hornak, CJ); *Doggie Dental v. Max\_Buy*, 19-746 (W.D. Pa., August 14, 2020) (Hornak, CJ); *Doggie Dental v. Go Well*, 19-1282(W.D. Pa., August 14, 2020) (Hornak, CJ); and *Doggie Dental v. Worthbuyer*, 19-1283 (W.D. Pa., August 14, 2020) (Hornak, CJ). It is submitted that the award sought in this case would achieve the purposes of punishment, deterrence, and parity with similar damage awards. The Chief Judge has recognized the importance of all of these points in prior damage awards. *See id.*

In short, since Plaintiff has proven 1 month of damages, the total amounts having been supported by the facts and the law, the total damages awarded against each Defendant should be \$1,800,000.00.

### **5. Plaintiff Is Entitled to Permanent Injunctive Relief**

In addition to the foregoing relief, Plaintiff seeks entry of a permanent injunction enjoining Defaulting Defendants from infringing or otherwise violating Plaintiff's rights in its Product, including at least all injunctive relief previously awarded to by this Court to Plaintiff in the temporary restraining order and preliminary injunction. 35 U.S.C. § 283 and Federal Rule of Civil Procedure 65. Plaintiff is also entitled to injunctive relief so it can take prompt action against any new online marketplace accounts or websites that are identified, found to be linking to Defendants, and selling Infringing Product. The injunctive relief ordering storefronts selling infringing products taken down ensures that "zombie" sales (sales of infringing products from prior restrained storefronts) cannot take place using that storefront's electronic communications and processing in the future. The Court has approved such relief in prior cases. *See See Doggie Dental v. Ahui*, No. 19-cv-1627 (W.D. Pa., September 27, 2021 (Hornak, CJ); *See Doggie Dental v. Anywill*, No. 19-cv-682 (W.D. Pa., August 14, 2020)(Hornak, CJ); *Doggie Dental v. Max\_Buy*, 19-746 (W.D. Pa., August 14, 2020) (Hornak, CJ); *Doggie Dental v. Go Well*, 19-1282(W.D. Pa., August 14, 2020) (Hornak, CJ); and *Doggie Dental v. Worthbuyer*, 19-1283 (W.D. Pa., August 14, 2020) (Hornak, CJ).

A permanent injunction, like the trebled lost profit damages, would help deter other individuals or corporations from infringing Plaintiff's valuable patent rights. Additionally, entry

of a permanent injunction against Defendants in this case will help expedite any future litigations between the Defaulting Defendants and Plaintiff, if a case between the parties arises in the future. This equitable result would be in the interest of justice and provide Plaintiff with more flexibility to protect its intellectual property rights. As such, permanent injunctions are routinely entered by other Courts in similar counterfeiting cases. *See Doggie Dental v. Ahui*, No. 19-cv-1627 (W.D. Pa., September 27, 2021 (Hornak, CJ); *Doggie Dental v. Anywill*, No. 19-cv-682 (W.D. Pa., August 14, 2020)(Hornak, CJ); *Doggie Dental v. Max\_Buy*, 19-746 (W.D. Pa., August 14, 2020) (Hornak, CJ); *Doggie Dental v. Go Well*, 19-1282(W.D. Pa., August 14, 2020) (Hornak, CJ); and *Doggie Dental v. Worthbuyer*, 19-1283 (W.D. Pa., August 14, 2020) (Hornak, CJ); *Airigan Solutions, LLC v. Belvia*, No. 20-cv-284 (W.D. Pa., April 21, 2020) (Schwab, J.) [ECF No. 34]; *Rapid Slicer LLC v. Art-House*, No. 19-411 (W.D. Pa., Jan. 9, 2020) (Horan, J.) [ECF No. 44]; and *Airigan Solutions, LLC v. Abigail*, No. 19-cv-503 (W.D. Pa., Aug 13, 2019) (Fischer, J.) [ECF No. 52].

#### **6. Plaintiff Requests That This Court Order the Transfer to It of Remaining Assets in Defaulting Defendants' Accounts**

Plaintiff requested a temporary restraining order and preliminary injunction, *inter alia*, to prevent Defaulting Defendants from transferring the funds held in their Third Party Service Provider(s) and Financial Institution(s) accounts beyond this Court's jurisdiction [ECF No. 5]. This Court granted the temporary restraining order and preliminary injunction, preventing Defendants from accessing the funds in their Third Party Service Provider(s) and Financial Institution(s) accounts. This Court found that Plaintiff established a likelihood of success on the merits and irreparable harm in the absence of a temporary restraining order and preliminary injunction. *See Id.*

Plaintiff now requests that this Court order the Third Party Service Provider(s) and Financial Institution(s) to transfer to Plaintiff the assets currently held in the defaulting Defendants' Third Party Service Provider(s) and Financial Institution(s) accounts in partial payment of any award of damages. In the absence of such an Order, it is likely that Plaintiff will be left without any effective means by which to collect from Defendants any monetary judgment entered by this Court. As explained, previously, Defendants and any assets they own, other than those held in their respective Third Party Service Provider(s) and Financial Institution(s) accounts, are presumably located in China. There is no bilateral treaty or multilateral convention in force between the United States and any other country on reciprocal recognition and enforcement of judgments. Moreover, as explained in some detail previously, Defendants are involved in illegal counterfeiting operations and go to great lengths to conceal their identities and whereabouts. As a result, even in the unlikely event that Plaintiff could enforce a U.S. judgment in the Chinese courts, it will be virtually impossible to locate Defendants or any assets they may hold in order to satisfy any monetary damages awarded in this case.

Such orders are routinely entered by this Court to satisfy monetary judgment awards in similar counterfeiting cases. *See Doggie Dental v. Ahui*, No. 19-cv-1627 (W.D. Pa., September 27, 2021 (Hornak, CJ)); *Doggie Dental v. Anywill*, No. 19-cv-682 (W.D. Pa., August 14, 2020)(Hornak, CJ); *Doggie Dental v. Max\_Buy*, 19-746 (W.D. Pa., August 14, 2020) (Hornak, CJ); *Doggie Dental v. Go Well*, 19-1282(W.D. Pa., August 14, 2020) (Hornak, CJ); and *Doggie Dental v. Worthbuyer*, 19-1283 (W.D. Pa., August 14, 2020) (Hornak, CJ); *Airigan Solutions, LLC v. Belvia*, No. 20-cv-284 (W.D. Pa., April 21, 2020) (Schwab, J.) [ECF No. 34]; *Rapid Slicer LLC v. Art-House*, No. 19-411 (W.D. Pa., Jan. 9, 2020) (Horan, J.) [ECF No. 44]; and *Airigan Solutions, LLC v. Abagail*, No. 19-cv-503 (W.D. Pa., Aug 13, 2019) (Fischer, J.) [ECF

No. 52]. *See also Eye Safety Sys., Inc. v. The Partnerships and Unincorporated Ass'ns. Identified in Schedule "A"*, Case No. 18-cv-00034 (N.D. Ill. Mar. 1, 2018) (ordering PayPal to transfer defendants' funds to plaintiffs as partial satisfaction of judgment) [ECF No. 41]; *Yeti Coolers, LLC v. Taneil George*, Case No. 17-cv-62215 [ECF No. 46] (S.D. Fl. Mar. 29, 2018) (same).

#### **IV. CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that the Court grant their Motion for Default Judgment and Permanent Injunction; enter judgment against Defendants for patent infringement (Count I); permanently enjoin Defendants; award Plaintiff lost profits consistent with 35 U.S.C. § 284; award Plaintiff pre-judgment interest on the above damage awards; and grant such further relief as this Court deems appropriate. Plaintiff additionally requests that this Court order the Third-Party Service Provider(s) and Financial Institution(s) to transfer Defendants' assets held by the Third-Party Service Provider(s) and Financial Institution(s) to Plaintiff in partial payment of any default judgment entered against Defendants.

Respectfully submitted,

Dated: April 28, 2022

/s/ Stanley D. Ference III

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